

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARIL SIMMONS, as Administrator of the Estate
of GERALDINE GRIFFIN and in her individual capacity,
CHARLES GRIFFIN, CRAIG GRIFFIN, LANCE GRIFFIN,

Docket No.: 14-cv-4491
(JMA)(AYS)

Plaintiffs,

- against -

SWORN DECLARATION OF
JONATHAN A. TAND IN
SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL

INCORPORATED VILLAGE OF ROCKVILLE CENTRE,
FRANCIS X. MURRAY, Mayor of the Incorporated Village of
Rockville Centre, in his official and individual capacities,
DANIEL CASELLA, Building Superintendent for the
Incorporated Village of Rockville Centre, in his official
and individual capacities, JOHN GOOCH, Building Inspector
for the Incorporated Village of Rockville Centre, in his
official and individual capacities, THOMAS BUNTING,
Building Inspector for the Incorporated Village of Rockville
Centre, in his official and individual capacities, JOHN THORP,
Fire Chief for the Incorporated Village of Rockville Centre,
In his official and individual capacities, PETER KLUGEWICZ,
Chief Fire Safety Inspector for the Incorporated Village of
Rockville Centre, in his official and individual capacities,
and JOHN and/or JANE DOES,

Defendants.

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I, JONATHAN A. T AND, declare the following to be true under penalty of
perjury:

1. I am a member of Jonathan A. Tand and Associates, P.C., attorneys of record for
Plaintiffs in the above matter, and I submit this Declaration in accordance with Local Rule 1.4,
in Support of our Motion to Withdraw my firm as counsel of record in this case.

2. Plaintiffs retained the services of this office in or about June of 2016. Prior to retaining

the services of my firm, Plaintiff had retained the services of the Law Offices of Steven A. Morelli. Subsequently the Plaintiffs retained the Law Office of Mindy Kallus, and later this office. This office received no money from the Plaintiffs at any time.

3. Prior to Tand & Associates taking over this matter, a motion to dismiss was filed and fully briefed. In August 2016, the court issued a decision dismissing the majority of the causes of action including the rights of Carill Simmons as a Plaintiff due to a lack of standing.

4. Upon hearing about the decision, Ms. Simmons became irate and sent the undersigned numerous nasty emails demanding an interlocutory appeal be filed among other forms of motion practice and also made threats against the firm. When the firm explained that there was no real interlocutory appeal, Ms. Simmons grew even more hostile and then ceased communication with the firm.

5. Furthermore, recently the firm has learned that the remaining Plaintiff Charles Griffin has passed away leaving only Carill Simmons as the executor of Geraldine Griffin's estate and currently applying to be named the executor of Charles Griffin's estate.

6. At this point, under the circumstances, there is simply no conceivable way that our firm can continue its representation of Plaintiffs. There has been a total breakdown of the attorney-client relationship.

7. Accordingly, the undersigned respectfully requests Your Honor grant the instant Motion to Withdraw as Counsel and terminate my firm's appearance on the docket.

8. To date The Plaintiffs has not indicated whether he intends to retain separate counsel or proceed pro se despite the undersigned providing him with ample time to do so. As such, the undersigned would request that there be a stay on further proceedings so that the issue of Charles Griffin's executor can be decided and so Plaintiff can find new counsel.

9. This office will not be placing a lien on the instant matter in order to not hinder Plaintiffs' ability to obtain new counsel.

Dated: August 15, 2018
Westbury, NY


Jonathan A. Tand
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